

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: 3:20-cr-128-CWR-LGI

WILLIAM GLENN CHUNN

a/k/a “Big Head.”

**UNITED STATES’ RESPONSE TO DEFENDANT WILLIAM GLENN CHUNN’S
MOTION TO CONTINUE**

Now comes the United States, by and through its attorneys, Darren J. LaMarca, Acting United States Attorney, Lynn Murray, Assistant United States Attorney, David L. Jaffe, Chief of the Organized Crime and Gang Section of the United States Department of Justice, Lakeita F. Rox-Love, Trial Attorney, and hereby files its response to defendant William Glenn Chunn’s Motion to Continue. The government is not opposed to Chunn’s motion to continue so that Chunn can meet with counsel and assist in his defense. However, the government takes issue with some of the assertions made by the Chunn and hereby states the following:

A Federal Grand Jury in the Southern District of Mississippi (S.D. Miss.) returned a 3-count indictment on September 22, 2020, charging five (5) defendants namely, William Glenn Chunn (hereinafter, “Chunn”), Jeremy Dennis, Aaron Matthew Rentfrow, Johnathon Reynolds, and Daniel Holler with: Violent Crimes in Aid of Racketeering – Assault with a Dangerous Weapon/Resulting in Serious Bodily Injury (count 1); Violent Crimes in Aid of Racketeering – Attempted Murder (count 2); and Accessory After the Fact to Counts 1 and 2 (count 3 – defendant Holler only).

On or about October 7, 2020, the Eastern District of Texas (E.D. TX) returned a 4-count indictment charging 12 defendants with Conspiracy to Conduct the Affairs of a Racketeering Enterprise (RICO Conspiracy) and Violent Crimes in Aid of Racketeering – Assault Resulting in Serious Bodily Injury (count 2), Kidnapping (count 3), and Kidnapping Conspiracy (count 4). On or about July 8, 2021, the grand jury returned a superseding indictment, which added an additional charge against defendant Timothy Long.

The Indictments in the Southern District of Mississippi and Eastern District of Texas shared two defendants, William Glenn Chunn and Jeremy Dennis, both of whom were charged with RICO Conspiracy in the E.D. TX. On or about April 13, 2021, pursuant to Federal Rules of Criminal Procedure 20, Jeremy Dennis' S.D. Miss. case was transferred to the E.D. TX. Jeremy Dennis subsequently pled guilty as charged to all counts.

Also, on or about April 13, 2021, Chunn made his initial appearance before the magistrate in the S.D. Miss. On or about March 26, 2021, prior to Chunn's initial appearance, the government provided discovery to Chunn's counsel.¹ *See* Attach. 1.

After Chunn's initial appearance and detention hearing, on or about April 28, 2021, the prosecutors in the E.D. TX case submitted an ASR to USMS – Beaumont, requesting Chunn's return to the E.D. TX for trial on May 17, 2021. On or about May 4, 2021, that trial was continued to August 17, 2021. Unfortunately, despite the E.D. TX prosecutors' several requests, Chunn was not transported to the E.D. TX until on or about July 8, 2021. This delay contributed to another continuance in the E.D. TX case. On or about Friday, July 2, 2021, the E.D. TX reset the trial to October 25, 2021.

¹ The Court identified Mr. Gilbert as Chunn's anticipated counsel. *See* March 26, 2021 Minute Entry. Mr. Gilbert was not officially substituted as counsel until April 12, 2021. *See* ECF No. 68.

At the time of the resetting of the E.D. TX case, the S.D. Miss trial was scheduled for November 30, 2021. *See* ECF No. 84. On or about Wednesday, July 7, 2021, the prosecution, concerned with how the continuance would affect the S.D. Miss. case, notified the Court and all counsel of the continuance and requested a status conference. *See* Attach. 2. A telephone conference was scheduled for July 13, 2021. *See* Docket Text for July 9, 2021.

At the status conference, the prosecution informed the Court that it was concerned that Chunn and its witnesses would not be transported in time for the S.D. Miss. trial. The prosecution also raised the issue of Chunn not being present for the pre-trial conference, which was scheduled for November 12, 2021.² During the July 13, 2021 telephone conference, the Court inquired as to Chunn's current location. The government initially informed the Court that Chunn was in Oklahoma. However, after receiving updated information while on the conference call, the government informed the Court that Chunn was in Beaumont, TX. Therefore, defense counsel has known that Chunn was in Beaumont, TX, since July 13, 2021. The Court also inquired as to whether Chunn's counsel would file a motion to continue, and counsel responded no, arguably a strategic move. The Court then stated that the government would need to file a formal motion to continue. On or about July 19, 2021, the government informed the Court that the government did not presently intend to file a motion for continuance.

I. DOJ's alleged manipulation of the proceedings.

Chunn asserts that DOJ manipulated the proceedings when it chose to: (1) indict this case on September 22, 2020; (2) have Chunn transported to the E.D. TX despite the S.D. Miss. case being indicted first; and (3) wait until April 13, 2021, for Chunn to be transported to S.D. Miss. to

² The pre-trial conference was recently rescheduled to November 15, 2021.

make his initial appearance.

The assertion that DOJ has intentionally manipulated these proceedings to the detriment of Chunn is meritless. Specifically, considering the fact that the delay in transporting Chunn to the S.D. Miss. was at his request and in hopes that both his E.D. TX and S.D. Miss. cases could be resolved pursuant to a Rule 20 plea. *See* Attach. 3. That plan was not unreasonable or beyond comprehension, as evidenced by his co-defendant Jeremy Dennis' Rule 20 plea.

Furthermore, reasonable minds may differ as to whether the prosecution should have brought cases against two defendants in two jurisdictions at the same time and whether the S.D. Miss. case should have taken precedence because it was indicted first. However, there was no motive to disadvantage Chunn or any defendant by pursuing both cases concurrently and proceeding first with the E.D. TX case.

II. Contact with counsel and access to discovery

The prosecutors in this case were not notified of any issues concerning Chunn's lack of contact with counsel or access to discovery until the filing of Chunn's motion to continue. Hence, the prosecutors were not given the opportunity to address these issues.

Regarding the private line, the prosecutors contacted USP Beaumont on or about April 27, 2021, to verify that a private line had been installed, and again, on or about July 29, 2021, to verify that the private line was still active. The prosecutors were not informed that there were any issues regarding access to the line by USP Beaumont or defense counsel.

Likewise, the prosecutors were not informed that there were any issues with Chunn's access to a computer or use of the passwords. The prosecutors verified with USP Beaumont on at least two occasions that a "dummy" laptop (meaning inmates can only view discovery on the laptop) was available for Chunn's use. On or about September 20, 2021, the prosecutors provided

USP Beaumont with a copy of the discovery and protective order via email. *See* Attach. 4. In the email, the prosecution summarized the terms of the discovery order, “[I]t is under protective order but [Chunn] can review [the discovery] and make notes but cannot disseminate it, make copies of it, etc.” *See id.* Accordingly, to ensure that the discovery remains secure, the discovery was encrypted with a password that contains multiple characters and is purposely difficult to prevent tampering and unauthorized access but not to hinder Chunn’s access.

Accordingly, the prosecution in this case has always been willing to equitably address any issues or concerns and has made substantial efforts to push this case forward without sacrificing the integrity of the process and safety of witnesses. The allegations that the prosecution has intentionally acted to prevent Chunn’s access to discovery and counsel or has delayed this case to gain some imaginary advantage is baseless and contrary to the facts of this case. However, the government does agree with counsel that this particular instance was completely foreseeable, hence the request for a status conference on July 9, 2021.

It is important to note that Chunn’s E.D. TX counsel had several in-person visits and conference calls scheduled, presumably for trial preparation. *See* Attach. 5. Therefore, Chunn’s availability for calls with his S.D. Miss. counsel was likely limited.

Lastly, the prosecution has been in contact with the USMS regarding the transport of witnesses and Chunn. At this time, USMS cannot guarantee that all witnesses and Chunn will be transported before November 30, 2021. Chunn has a lower probability of arriving before November 30, 2021, due to the E.D. TX’s trial’s anticipated end date of November 15, 2021; the necessity of transporting Chunn separately due to the number of separatees; and the Thanksgiving holiday. However, USMS has informed the prosecution that is making every effort to timely transport the witnesses and Chunn.

CONCLUSION

Based upon the foregoing, the prosecution requests that the continuance be granted and that the time between the order resetting the trial and the new trial date be excluded from the speedy trial clock.

Respectfully submitted,

DARREN J. LAMARCA
Acting United States Attorney

Date: November 4, 2021

By: /s/Lynn Murray
501 East Court Street, Ste. 4.430
Jackson, MS 39201
Telephone: (601) 965-4480
Fax: (601) 973-4409
MS Bar No. 3690
Email: lynn.murray@usdoj.gov

DAVID L. JAFFE
Chief, Organized Crime and Gang Section

By: /s/Lakeita F. Rox-Love
Lakeita F. Rox-Love
Organized Crime and Gang Section
U.S. Department of Justice
1301 New York Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 307-3345
Fax: (202) 618-0878
MS Bar No. 103871
Email: Lakeita.Rox-Love@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2021, I electronically filed the foregoing Motion with the Clerk of the Court using the Electronic Case Filing System (ECF), which served to send notification of this filing to counsel of record.

This the 4th day of November, 2021.

Respectfully submitted,

DARREN J. LAMARCA
Acting United States Attorney

By: /s/Lynn Murray
501 East Court Street, Ste. 4.430
Jackson, MS 39201
Telephone: (601) 965-4480
Fax: (601) 973-4409
MS Bar No. 3690
Email: lynn.murray@usdoj.gov

DAVID L. JAFFE
Chief, Organized Crime and Gang Section

By: /s/Lakeita F. Rox-Love
Lakeita F. Rox-Love
Organized Crime and Gang Section
U.S. Department of Justice
1301 New York Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 307-3345
Fax: (202) 618-0878
MS Bar No. 103871
Email: Lakeita.Rox-Love@usdoj.gov